S.B.Cr.Misc. Bail App. No.4356/2007

(Surjiya vs. State of Rajasthan)

Date of order : September 06, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vijay Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that nothing has been recovered from the present petitioner, however 2 kgs. of poppy husk has been recovered from co-accused Narayan, who has been tried and convicted and sentenced. On appeal filed before this Court, the sentence awarded to co-accused Narayan has already been suspended.

Having regard to the facts and circumstances of the case and the fact that nothing has been recovered from the present petitioner, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439

Cr.P.C. is allowed and it is directed that petitioner Surjiya s/o Goru Banjara be released on bail in FIR No.460/2002, P.S. Nimbaheda, Distt. Chittorgarh provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-